

FEDERAL COURT

B E T W E E N:

INDIGO BOOKS & MUSIC INC.

Moving Party / Plaintiff

- and -

**JOHN DOE 1 dba INDIGO KILLS KIDS,
JOHN DOE 2 dba INDIGOKILLSKIDS.CA, and
JOHN DOE 3 dba INDIGOKILLSKIDS.COM**

Defendants

ORDER

UPON THE PLAINTIFF’S MOTION for an Order for an interlocutory injunction against the Defendants pursuant to section 44 of the *Federal Courts Act*, RSC 1985, c F-7; subsection 34(1) of the *Copyright Act*, RSC 1985, c. C-42; and subsection 53.2(1) of the *Trademarks Act*, RSC 1985, c. T-13, heard on October 22, 2024;

AND UPON hearing the submissions of counsel for the Plaintiff and reading the Affidavits of Damien Liddle, Colleen Stanley, and Andrew Johnstone, and the pleadings and proceedings herein;

THIS HEREBY COURT ORDERS THAT:

1. The Defendants, John Doe 1, John Doe 2, and John Doe 3, by themselves or by their employees, representatives and agents, or by any company, partnership, trust, entity or person under their authority or control, or with which they are associated or affiliated, must, pending a trial or other resolution on the merits, immediately comply with the following for a period of two (2) years from the date of this Order:
 - a. take down and cease operating or carrying on business through the infringing website domains and subdomains identified in Schedule 1 of this Order (the “**Infringing**

Domains”) and any confusingly similar domains, subject to any subsequent variance to this Order or amendment to Schedule 1;

- b. take down and cease operating the website hosted at www.indigokillskids.ca (the **“Infringing Websites”**) and any other website, domain or subdomain that is being used to provide access to, or redirect or forward to, the website, webpages, and/or website content of the Infringing Domain;
 - c. take down and remove all copies of the infringing material, including any mark, design, word, title or name that uses or infringes the Plaintiff’s INDIGO Marks (as defined below) or !NDIGOKIDS Work (as defined below), or any confusingly similar marks or substantial copies of works, including from:
 - i. the Infringing Website, and any other website, domain, subdomain that is being used by the John Doe Defendants to publish infringing material or content;
 - ii. the Instagram accounts @indigokillskids and @indigokillskids.ca;
 - iii. the Tiktok account @indigokillskids; and
 - iv. the X Corp. (formerly Twitter) account @indigokillskids;
 - d. And to cease these infringing activities on any other websites or social media accounts for the duration of the two (2) year period or further Order of the Court.
2. Schedule 1 to this Order and the list of Infringing Domains may, with leave of the Court, be updated through the following mechanism:

- a. The Plaintiff may serve and file a motion to amend Schedule 1 to add additional domains and subdomains, with appropriate evidence and submissions to support the motion, including affidavit and/or any other admissible evidence demonstrating a strong *prima facie* case of infringement in the domain name or website content of the additional domain(s) and subdomain(s).

- b. The Plaintiff may bring a motion to amend, extend or terminate this injunctive relief in the event that the Infringing Domains or Subdomains identified in Schedule 1 are transferred to the Plaintiff before the expiry of the two (2) years or in the event that these proceedings are terminated by way of discontinuance, settlement or final judgment before the expiry of the two (2) years or the Plaintiff requires additional time to pursue a final determination of the underlying proceeding.

Judge

Schedule 1 – Infringing Domain(s) and Subdomain(s)

Infringing Domain(s)
Indigokillskids.ca
Indigokillskids.com
Infringing Subdomain(s)
x.com/indigokillskids/
instagram.com/indigokillskids/
instagram.com/indigokillskids.ca/
https://www.tiktok.com/@indigokillskids